

**FILED**

DISTRICT COURT OF GUAM

APR 20 2005

MARY L.M. MORAN  
CLERK OF COURT

(10)

JOAQUIN C. ARRIOLA, JR., ESQ.  
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Counsel for Defendant RICKY S. KIRACHKY

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

UNITED STATES OF AMERICA, ) MAGISTRATE CASE NO. 05-00014  
 )  
 Plaintiff, )  
 )  
 vs. ) REQUEST FOR NOTICE OF  
 ) INTENT TO USE EVIDENCE  
 ) AND DISCOVERY  
 RICKY S. KIRACHKY, )  
 )  
 Defendant. )

ARRIOLA, COWAN & ARRIOLA, HAGATNA, GUAM 96910

COMES NOW, Defendant RICKY S. KIRACHKY, through counsel Arriola, Cowan & Arriola, by JOAQUIN C. ARRIOLA, JR., and requests, pursuant to Rules 12 and 16 of the Federal Rules of Criminal Procedure, notice from the Government of its intention to use (in its evidence in chief at trial) any evidence which the Defendant may be entitled to discover under Rule 16 as well as the opportunity for inspection, copying or photographing any and all of the following:

1. Any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government; that portion of any written record containing the substance of any relevant oral statement made by the defendant whether before or after arrest in response to interrogation by any person then known to the defendant to be a government agent; and recorded testimony of the defendant before a grand jury which relates to the offenses charged; as well as the substance of any other relevant oral statement made by the defendant whether before or after arrest in response to

interrogation by any person then known by the defendant to be a government agent if the government intends to use that statement at trial;

2. Such copy of the defendant's prior criminal record, if any, as is within the possession, custody or control of the government, the existence of which is known or by the exercise of due diligence may become known to the attorney for the government;
3. Any books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the government, and which are material to the preparation of the defendant's defense or are intended for use by the government as evidence in chief at the trial, or were obtained from or belong to the defendant;
4. Any result or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the government, the existence of which is known or by the exercise of due diligence may become known to the attorney for the government, and which are material to the preparation of the defense or are intended for use by the government as evidence in chief at the trial; and
5. A written summary of testimony the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case in chief at trial. This summary must describe the witnesses' opinions, the bases and the reasons therefor, and the witnesses' qualifications.

If, prior to or during trial, the Government discovers additional evidence or material herein requested, Defendant RICKY S. KIRACHKY requests prompt notice of the existence of the additional evidence or material, under the continuing duty to disclose pursuant to Rule 16(c).

Dated at Hagåtña, Guam: April 20, 2005.

**ARRIOLA, COWAN & ARRIOLA**  
Counsel for Defendant

**JOAQUIN C. ARRIOLA, JR.**

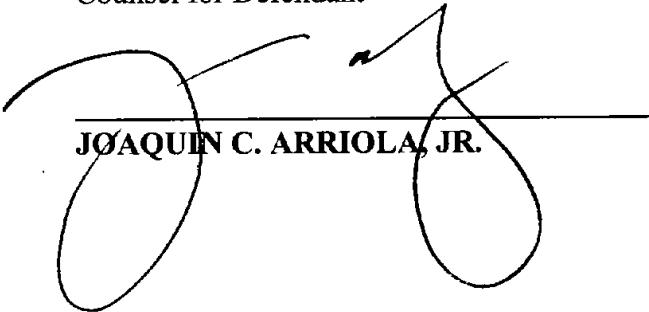
**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2005, a copy of the Request for Notice of Intent to Use Evidence and Discovery was served upon Plaintiff, United States of America, by hand-delivering a copy thereof to:

JOSEPH TOCK, ESQ.  
Office of the United States Attorney  
Criminal Division  
Suite 500, Sirena Plaza  
108 Hernan Cortez Avenue  
Hagåtña, Guam 96910

Dated at Hagåtña, Guam: April 20, 2005.

**ARRIOLA, COWAN & ARRIOLA**  
Counsel for Defendant

  
**JOAQUIN C. ARRIOLA, JR.**